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THE LEGAL STATUS OF SALVIA DIVINORUM

Legal Status

The profoundly introspective nature of its effects make it unsuitable for recreational use. It is not habit-forming, not addictive, and does not present a significant risk to public health or safety. Because it is a powerful consciousness-altering herb, some regulation of sales is sensible and appropriate, but criminalizing possession certainly is not. It is appropriate to prohibit delivery to minors. It is also appropriate to prohibit reckless use, such as driving a vehicle while inebriated. It is reasonable to require that vendors provide detailed safety information and guidelines for responsible use. There are many already-existing non-drug-specific laws that can be enforced against reckless salvia users (e.g., laws that prohibit public endangerment, public intoxication, reckless driving, etc.). Legislation should only penalize irresponsible use, not all use. Legislation that imposes punishment for possession of Salvia divinorum is neither useful nor humane. A sensible approach would be to regulate Salvia divinorum in a similar manner as alcohol and tobacco. Another sensible option would be to regulate it as a prescription medication. Certainly, physicians and psychiatrists should be able to prescribe salvia to patients who might benefit from it. It should also remain available for use in psychotherapy.

Unfortunately, several countries have enacted laws that prohibit possession and/or sale of Salvia divinorum. In some cases, the penalties for violating these laws are quite severe. There are some countries that do not prohibit possession or sale, but do prohibit importation. The following listing describes all of the laws, regulations, and proposed legislation pertaining to Salvia divinorum that I am currently aware of. Because of the controversial nature of vision-inducing substances in general, it is probable that the legal status of Salvia divinorum will continue to change in the future. To stay abreast of changes in the legal status of Salvia divinorum,

If you are aware of any attempts to prohibit Salvia divinorum in countries or states not listed below, please click here to send me an email.

Australia

Australia was the first country to prohibit Salvia divinorum and salvinorin A. The committee responsible for the ban has admitted that there is "no evidence of a major public health hazard." The ban went into effect June 1, 2002. Anyone living in Australia or its territories who is considering being involved with this plant is urged to first obtain professional legal advice. Readers are urged not to ship Salvia divinorum, or products made from it, to Australia or its territories because the person who receives the shipment could face severe criminal penalties. Please go here for more details on this recent action by Australia's government and to learn what you can do to fight it.

Denmark

Salvia divinorum and salvinorin A have been placed in category B of the Danish list of controlled substances. Category B includes psilocybin mushrooms, cocaine, amphetamine, and several others substances that are only legal for medicinal and scientific purposes. Possession of Salvia divinorum in Denmark now carries a penalty of up to 2 years in prison. The law went into effect on August 23, 2003. The text of the law can be found here. Further details can be found here.

Iceland

The import of all medicinal herbs requires either a doctor's prescription or an import license from the health administration. In 2005, I received a report from an Icelandic person who said that he had filled out all the required paperwork, but that his request for permission to import Salvia divinorum leaves was declined on the basis of its legal status in Denmark.

Finland

In August 2002, Finland passed legislation making it illegal to import Salvia divinorum without a relevant prescription from a doctor. For information about this decision, in Finnish, please go here.

Norway

The National Health Council of Norway has listed *Salvia divinorum* as a medicinal herb that requires a doctor's prescription. Many *Salvia divinorum* vendors have reported that packages sent to Norway have been returned by customs because of this regulation. It appears that this regulation went into effect sometime during 2002.

Sweden

Salvinorin A and *Salvia divinorum* (specifically, any part of the *Salvia divinorum* plant that contains salvinorin A) have been added to Sweden's list of controlled substances. The change in legal status went into effect on April 1, 2006. For information (in Swedish), go to: <http://62.95.69.15/> From there, click on "Författningar i fulltext" (on the left), and then enter "salvia" in the search field that comes up. Clicking the search button (Sök) will then bring up the relevant document.

Italy

On June 25, 2004 the Italian Ministry of Health issued an ordinance prohibiting the sale of *Salvia divinorum* and its active constituent, salvinorin A, in Italy. On January 11, 2005, the Ministry of Health made possession of *Salvia divinorum* and salvinorin A illegal by placing them in "Tabella 1" of the *Tabelle Sostanze Stupefacenti o Psicotrope* (Italy's list of prohibited plants and substances). For documentation see *Gazzetta Ufficiale* N. 54 and *Tabella I*.

Spain

On January 28, 2004 the Spanish Ministry of Health and Consumption issued an order prohibiting the sale of *Salvia divinorum*, along with a long list of other alleged "toxic" herbs. The regulation went into effect on May 6, 2004. This law only prohibits commerce. It does not make possession or use a crime. For documentation, see: *Boletín Oficial del Estado*. 32: 5061–5065.

Belgium

On October 18, 2004 the Belgian government added salvinorin A to their list of controlled substances. The change in legal status took effect November 18, 2004. Curiously, the name of the compound is spelled incorrectly as "salvorine A" in the royal decree that announced this legislative decision. For information about this decision, in French, please go [here](#).

Estonia

The Social Ministry of Estonia has listed *Salvia divinorum* as a medicinal herb that requires a doctor's prescription. Some *Salvia divinorum* vendors have reported that packages sent to Estonia have been returned by customs because of this regulation. This regulation went into effect in April 2005. For documentation, see: *Ravimiseaduse* (RT I 2005, 2, 4) § 15 lõike 5 punkti 1 alusel.

United Kingdom

On October 19, 2005, John Mann, Member of Parliament, tabled an Early Day Motion (EDM 796) urging the government to ban *Salvia divinorum* under the provisions of the Misuse of Drugs Act 1971 (Anon. 2005b; Mann 2005). So far, no further steps have been taken to ban *Salvia divinorum* in the United Kingdom.

South Korea

An article in the January 14, 2005 edition of the South Korean newspaper *Chosun Ilbo* reports that South Korea has revised their list of controlled drugs to include *Salvia divinorum* and salvinorin A. The article does not provide much detail. It is available: [here](#).

Brazil

In 2005, Brazilian Customs began enforcing a regulation that prohibits importation of plant products without a permit. Consequently, many people who have shipped *Salvia divinorum* to Brazil have had the packages returned to them. This only applies to importation. To the best of my knowledge, *Salvia divinorum* is legal in Brazil.

Japan

On November 9, 2006, the Japanese government decided to add a group of thirty-three drugs to its list of controlled substances. Salvinorin A is one of the newly listed substances. The drugs will be banned under a revised pharmaceutical law, which is expected to take effect in April 2007, and their import, production, and sale except for medical treatment or research purposes will be subject to imprisonment of up to 5 years or a fine of up to five million yen.

The United States

Louisiana, Missouri, Tennessee, Oklahoma, Delaware, Maine, and North Dakota are the only states in the USA that have laws prohibiting possession of *Salvia divinorum*. (Note that Illinois recently passed legislation that will make *Salvia divinorum* a schedule I controlled substance in that state beginning January 1, 2008.) Louisiana and Oklahoma have provisions in their laws that allow possession of the plant when it is not intended for human consumption. In Oklahoma, plain *Salvia divinorum* is legal, but extract-enhanced leaves are not. The state of Maine only prohibits possession by minors. Possession remains legal for adults in Maine; however, it is illegal for adults to sell or

transfer *Salvia divinorum* to anyone under 18 years of age. *Salvia divinorum* is entirely legal in all other states. However, law makers in several other states are currently considering legislative bills that seek to ban *Salvia divinorum* in those states (see below).

Federal Legislation

In October of 2002, a bill was introduced to the United States Congress that proposed to place *Salvia divinorum* and salvinorin A in schedule 1 of the Controlled Substances Act. The bill was passed amongst various committees, but no action was taken on it. Ultimately, it died with the dissolution of the 107th Congress at the end of 2002. The author of the bill, Representative Joe Baca of California (democrat), has recently stated that he will not reintroduce the bill.

The US Drug Enforcement Administration (DEA) is presently studying *Salvia divinorum* and salvinorin A, and is considering whether or not they present a risk to public safety that would justify making them controlled substances (and consequently further infringing on the personal freedoms of American citizens). On July 20, 2007, I was informed that the DEA had recently initiated an Eight Factor Analysis of *Salvia divinorum*. The Controlled Substances Act requires that this analysis be performed before a substance can be scheduled as a controlled substance. The eight factors considered are:

- Actual and potential for abuse
- Pharmacology
- Other current scientific knowledge
- History and current pattern of abuse
- Scope, duration, and significance of abuse
- Public health risk
- Psychic or physiological dependence liability
- If an immediate precursor of a controlled substance

Based on the results of the analysis, the DEA may recommend that *Salvia divinorum* be scheduled as a controlled substance. This analysis will probably take several months to be completed. I will provide further updates here as more information becomes available. Given that there is no compelling evidence to suggest that *Salvia divinorum* presents a significant risk to public safety, I am hopeful that the DEA will be reasonable and not criminalize this beneficial plant unnecessarily. If they do decide to criminalize it, it will take a minimum of 30 days after they give public notice of their intentions in the Federal Register before the change of legal status takes effect.

Missouri

On January 23, 2003 the city of St. Peter's, Missouri passed an ordinance that prohibits the sale of *Salvia divinorum* to anyone under the age of 18. The restriction is modeled after the state's tobacco law. St. Peter's is the first, and so far only, city in the nation to restrict the sale of *Salvia divinorum*. The *Salvia divinorum* Research and Information Center has always advised that vendors not sell *Salvia divinorum* to minors. The Sagewisdom *Salvia* Shop has always maintained such a policy. We believe that such a prohibition is responsible and appropriate.

On January 5, 2005 Representative Rachel L. Bringer introduced House Bill 165 to the Missouri State legislature. This bill sought to add *Salvia divinorum* to that state's list of Schedule I controlled substances. Curiously, the bill only mentioned *Salvia divinorum*, it did not mention salvinorin A. This oversight was corrected the following month with the introduction of House Bill 633, which sought to place both *Salvia divinorum* and salvinorin A in Schedule I. The bill also proposed to add 12 other substances to Missouri's list of controlled substances. This second bill was introduced on February 23, 2005 by Representative Scott A. Lipke (R) and Representative Bringer. On August 28, 2005, the bill was incorporated into section 195.017 of the state's drug regulation statutes. Thus, *Salvia divinorum* and salvinorin A became Schedule I substances in the state of Missouri. For documentation, go here.

Oregon

During the year 2003 two bills were introduced to the Oregon State Legislature that proposed to criminalize *Salvia divinorum* and salvinorin A in that state. Fortunately, both bills died upon adjournment of the Oregon Judiciary Committee. House Bill 3485 (introduced March 15, 2003) sought to impose particularly severe penalties. If it had passed, possession would be punishable by a maximum of 10 years' imprisonment, a \$200,000 fine, or both. Delivery would be punishable by a maximum of 20 years' imprisonment, a \$300,000 fine, or both. Senate Bill 592 (introduced February 22, 2003) only proposed to make delivery a crime. If it had passed, delivery would be punishable by a maximum of one year's imprisonment, a \$5,000 fine, or both.

Efforts to ban *Salvia divinorum* were renewed in 2007. On January 25 of that year, Representative John Lim (R) introduced House Bill 2494 to the Oregon State Legislature. If passed, this legislation would make *Salvia divinorum* and salvinorin A Schedule I controlled substances in that state. Possession would be punishable by a maximum of 1 year's imprisonment, a \$6250 fine, or both. Manufacture or delivery would be punishable by a maximum of 20 years' imprisonment, a \$375,000 fine, or both.

Louisiana

On February 25, 2005 Representative Michael G. Strain (R) introduced House Bill 20 to the

Louisiana State Legislature. This bill proposed to make it illegal to possess, manufacture, or distribute hallucinogenic plants that are intended for human consumption. The text of the bill includes a list of 39 plants and fungi in its definition of the term "hallucinogenic plant." Only a few of the plants and fungi listed contain compounds that are controlled substances. Some of the plants are quite obscure, some are commonly grown as ornamentals, and some are not actually hallucinogenic. *Salvia divinorum* is one of the plants listed. The proposed penalty for possession would be imprisonment with or without hard labor for not more than five years and, in addition, a possible fine of up to \$5,000. The proposed penalty for manufacture or distribution would be imprisonment with or without hard labor for not less than two years nor more than 10 years and, in addition, a possible fine of up to \$20,000. On May 16, 2005 the bill passed in the House (yeas 98, nays 0). On June 9, 2005 the bill passed in the Senate (yeas 101, nays 0). On June 17, 2005 the bill was sent to the Governor for executive approval. Governor Kathleen Babineaux Blanco (D) signed the bill into law on June 28, 2005. The new law, called Act No. 159, went into effect on August 15, 2005 (Strain et al. 2005). Thus Louisiana became the first state in the USA to criminalize *Salvia divinorum*.

New York

On February 10, 2005, New York State Assembly Member Carl Heastie (D) introduced Assembly Bill 4412-A. This bill died without coming up for a vote, but if enacted, it would have made possession of *Salvia divinorum* a crime punishable by a \$50 fine. On April 18, 2005, New York State Senator John Flanagan (R) introduced Senate Bill 4987. If enacted, this bill would amend the General Business Law to prohibit the sale of *Salvia divinorum*, and would subject violators to a civil penalty of up to \$500. On June 6, 2005, the senate voted to pass the bill. Assemblyman Daniel O'Donnell (D) introduced an identical bill, designated Assembly Bill 11469, to the State Assembly on May 23, 2006. That bill died without coming up for a vote. Efforts to enact this legislation were renewed the following year. On January 3, 2007, Assemblyman O'Donnell reintroduced it as Assembly Bill 610. On January 8, 2007, it was reintroduced by Senators Flanagan, John DeFrancisco (R), Thomas Morahan (R), and Frank Padavan (R) as Senate Bill 695. On February 8, 2007, the bill passed in the senate (ayes: 58, nays: 0). It is now being considered by the State Assembly. To track the progress of these bills, go here.

Illinois

On January 19, 2006, Senator John Millner (R) introduced Senate Bill 2589 to the Illinois State Legislature. This bill sought to add *Salvia divinorum* to that state's list of Schedule I controlled substances. The bill only mentions *Salvia divinorum*; it does not mention salvinorin A. This bill died with the dissolution of the 94th General Assembly. Efforts to ban *Salvia divinorum* were renewed the following year. On January 29, 2007, Representatives Dennis Reboletti (R), Chapin Rose (R), Robert Pritchard (R), and Renee Kosel (R) introduced House Bill 0457. On February 7, 2007, Senator Millner introduced this same bill to the State Senate as Senate Bill 0226. The wording of these bills define *Salvia divinorum* as "meaning all parts of the plant presently classified botanically as *Salvia divinorum*, whether growing or not, the seeds thereof, any extract from any part of that plant, and every compound, manufacture, salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, derivative, mixture, or preparation of that plant, its seeds or extracts." This wording is absurdly broad in scope, for it implies that any substance extracted from *Salvia divinorum* (water, chlorophyll, whatever) would be treated as a Schedule I controlled substance under the proposed law. House Bill 0457 passed unanimously in the House on March 20, 2007, and in the Senate on May 22, 2007. Senate Bill 0226 passed unanimously in the Senate on March 8, 2007, and in the House on May 24, 2007. This legislation was signed into law by Governor Rod Bagojevich (D) on August 17, 2007. The new law went into effect on January 1, 2008.

Wyoming

On February 13, 2006, Representative Stephen Watt (R) introduced House Bill 0049 to the Wyoming State Legislature. This bill sought to add *Salvia divinorum* to that state's list of Schedule I controlled substances. The bill only mentions *Salvia divinorum*; it does not mention salvinorin A. The bill died without coming up for a vote.

Tennessee

On February 15, 2006, Representative Park M. Strader (R) introduced House Bill 2909 to the Tennessee State Legislature (Strader 2006). The following day, it was adopted in the State Senate as Senate Bill 3247 (Burchett 2006). Originally, the bill proposed to make it a Class D felony offense to knowingly produce, manufacture, distribute, or possess with intent to produce, manufacture, or distribute a material, compound, mixture, or preparation intended for human consumption which contains a "hallucinogenic" plant. Previous law authorized imprisonment for a Class D felony for not less than two years nor more than 12 years. In addition, a fine not to exceed \$5,000 may be assessed, unless otherwise provided by statute. This bill would have authorized a maximum fine of \$20,000 for this offense. Originally, the bill also proposed to make it a Class E felony to knowingly possess a material, compound, mixture, or preparation intended for human consumption that contains a hallucinogenic plant. Previous law authorized imprisonment for a Class E felony for not

less than one year nor more than six years. In addition, a jury may assess a fine not to exceed \$3,000, unless otherwise provided by statute. This bill would have authorized a maximum fine of \$5,000 for this offense. The bill was later amended to address *Salvia divinorum* specifically. The amended version classifies the knowing production, manufacture, distribution, or possession of the active chemical ingredient in the hallucinogenic plant *Salvia divinorum* as a Class A misdemeanor. It would not be a criminal offense to possess, plant, cultivate, grow, or harvest *Salvia divinorum* for aesthetic, landscaping, or decorative purposes. Also, this amendment does not apply to any dosage that is legally obtainable from a retail establishment without a prescription when it is recognized by the FDA as a homeopathic drug. On April 13, 2006, the amended version of the bill passed in the Senate (ayes 29, nays 0). It passed in the House on May 11, 2006 (ayes 96, nays 0). Governor Phil Bredesen (D) signed it into law on May 19, 2006. It was assigned Public Chapter Number 700 by the Secretary of State on May 30, 2006, and went into effect on July 1, 2006.

Oklahoma

On March 6, 2006, Representative John Nance (R) introduced House Bill 2485 to the Oklahoma State Legislature. According to that state's Uniform Controlled Substances Act, the phrase synthetic controlled substance means "a substance, whether synthetic or naturally occurring, that is not a controlled dangerous substance, but which produces a like or similar physiological or psychological effect on the human central nervous system that currently has no accepted medical use in treatment in the United States and has a potential for abuse." Amongst other things, Bill 2485 adds language that specifically includes enhanced, concentrated, and chemically or physically altered forms of *Salvia divinorum* in that definition. The bill passed in the House (ayes: 97, nays: 0) and Senate (ayes: 42, nays: 0), and was signed into law by Governor Brad Henry (D) on May 26, 2006. To read the text of this bill, go here.

Delaware

On March 16, 2006, Senator Karen E. Peterson (D) introduced Senate Bill 259 to the Delaware State Legislature. This legislation makes *Salvia divinorum* a Schedule I controlled substance in that state. The bill breezed through the General Assembly, and was signed into law by Governor Ruth Ann Minner (D) on May 2nd, 2006. The text of the bill only mentions *Salvia divinorum*. It does not mention salvinorin A, nor any other specific chemical constituents of the plant. The law has been named "Brett's Law," in memory of Brett Chidester, a 17-year-old salvia user who committed suicide on January 23, 2006 by intentionally poisoning himself with carbon monoxide. Although there is no clear evidence that the boy's suicide was precipitated by his use of *Salvia divinorum*, his parents believe that there was some connection.

Alaska

On April 5, 2006, Senator Gene Therriault (R) introduced Senate Bill 313 to the Alaska State Legislature (Therriault 2006). This bill sought to add *Salvia divinorum* to Schedule IIA of that state's list of controlled substances. The bill was amended on April 22, 2006, to include salvinorin A in the wording. The bill died in committee without floor debate. Senator Therriault has renewed his efforts to ban *Salvia divinorum* in his state. On January 16, 2007, he reintroduced the same legislation as Senate Bill 38.

New Jersey

On April 6, 2006, Assemblywoman Linda Stender (D) of New Jersey announced that she was crafting legislation to ban *Salvia divinorum* in her state. On May 15, 2006, Senator Stephen Sweeney (D) introduced Senate Bill 1867 to the State Senate. Assemblywoman Stender introduced an identical bill to the State Assembly on May 22, 2006. It is designated Assembly Bill 3139 and is cosponsored by Assemblyman Jack Connors (D) and Assemblyman Herb Conaway (D). If passed, these bills would classify *Salvia divinorum* and salvinorin A as Schedule I controlled substances in New Jersey. As of October 10, 2006, neither bill has come up for a vote.

Pennsylvania

On May 2, 2006, Representatives James Casorio (D), Kevin Blaum (D), H. William Deweese (D), Scott Boyd (R), Thomas Caltagirone (D), Steven Cappelli (R), Jacqueline Crahalla (R), Tom Creighton (R), Gordon Denlinger (R), Neal Goodman (D), Richard Grucela (D), Harold James (D), Nick Kotik (D), Marie Lederer (D), Jennifer Mann (D), Joseph Markosek (D), Michael McGeehan (D), Cherelle Parker (D), Stan Saylor (R), John Siptroth (D), Edward Staback (D), Thomas Tangretti (D), Thomas Tigue (D), Katie True (R), Rosita Youngblood (D), John Pallone (D), Frank Pistella (D), Kate Harper (R), W. Curtis Thomas (D), John Sabatina, Jr. (D), Karen Beyer (R), Florindo Fabrizio (D), and Merle Phillips (R) introduced House Bill 2657 to the Pennsylvania State Legislature. This bill sought to add *Salvia divinorum* and salvinorin A to that state's list of Schedule I controlled substances. It died in committee.

On June 16, 2006, Senators Lisa Boscola (D), Vincent Fumo (D), Wayne Fontana (D), Gerald LaValle (D), John Pippy (R), Sean Logan (D), John Rafferty (R), Constance Williams (D), Bob Regola (R), Edwin Erickson (R), and Robert Wonderling (R) introduced Senate Bill 1217. This bill sought to add *Salvia divinorum* to Pennsylvania's list of Schedule I controlled substances. It does not mention salvinorin A. This bill died with the dissolution of the 2005–2006 legislative session. It was

reintroduced the following year, on March 29, 2007, as Senate Bill 710, by Senators Lisa Boscola (D), Vincent Fumo (D), Gerald LaValle (D), Barry Stout (D), Michael O'Pake (D), Jane Clare Orie (R), Robert Wonderling (R), Sean Logan (D), Wayne Fontana (D), Constance Williams (D), Raphael Musto (D), Christine Tartaglione (D), John Rafferty (R), Bob Regola (R).

Maine

In November 2006 Representative Christopher Barstow (D) of Maine introduced Legislative Document 66 (HP 64) to the State Legislature. This bill is cosponsored by Senators Philip Bartlett (D), Jonathan Courtney (R), John Nutting (D), and Elizabeth Schneider (D), along with Representatives David Farrington (D), Gary Plummer (R), James Schatz (D), and Nancy Smith (D). If passed, this bill would have added Salvia divinorum to the state's list of Schedule Z drugs and made possession a Class E crime. Trafficking or furnishing of Salvia divinorum would have become a Class D crime.

An amended version of the bill was approved in an 8 to 4 committee vote by lawmakers on the Criminal Justice Committee. The amended bill would regulate salvia in the same way tobacco products are regulated in Maine. Adults 18 and over could legally purchase and use the material. Selling or providing Salvia divinorum or salvinorin A to anyone under the age of 18 would be a criminal offense. Possession by a minor would be a civil violation, punishable by a fine, community service, or both. The amended bill passed in the House and Senate. It was signed into law by Governor John Baldacci (D) on May 15, 2007, and went into effect on September 20, 2007.

Virginia

On January 10, 2007, Assemblyman John O'Bannon, III (R) introduced House Bill 2844 to the Virginia State Legislature. This bill seeks to add salvinorin A to that state's list of Schedule I controlled substances. The text of the bill only mentions salvinorin A. Salvia divinorum is not mentioned, but presumably the proposed law could be interpreted to apply to any part of the plant that contains salvinorin A.

North Dakota

On January 15, 2007, Senator Dave Oehlke (R), Senator Randell Christmann (R), and Representative Brenda Heller (R) introduced Senate Bill 2317 to the North Dakota State Legislature. This bill sought to add Salvia divinorum to that state's list of Schedule I controlled substances. The text of the bill only mentions Salvia divinorum. Salvinorin A is not mentioned. The Senate Judiciary Committee corrected this oversight on April 5, 2007, by amending the bill to include salvinorin A and "any of the active ingredients" of Salvia divinorum. This wording is excessively vague, since it could be interpreted to include many commonly occurring pharmacologically active compounds, such as tannins, oleanolic acid, ursolic acid, etc. The amended bill passed in the Senate on February 7, 2007 (ayes: 47, nays: 0). It passed in the House on March 16, 2007 (ayes: 83, nays: 6). It was signed into law by Governor John Hoeven (R) on April 26, 2007. The new law went into effect on August 1, 2007.

Iowa

On January 18, 2007, the Governor's Office of Drug Control Policy introduced Senate Study Bill 1051 to the Iowa State Legislature. This bill seeks to add Salvia divinorum and salvinorin A to that state's list of Schedule I controlled substances. If passed, the bill would make it a class C felony for any unauthorized person to manufacture, deliver, or possess with intent to manufacture or deliver Salvia divinorum or salvinorin A, including its counterfeit or a simulated form, or to act with, enter into a common scheme or design with, or conspire with one or more other persons to manufacture, deliver, or possess with intent to manufacture or deliver. The bill also makes it a serious misdemeanor for any unauthorized person to possess Salvia divinorum or salvinorin A. A class C felony is punishable by confinement for no more than 10 years and a fine of at least \$1000 but not more than \$10,000. A serious misdemeanor is punishable by confinement for no more than one year and a fine of at least \$315 but not more than \$1875.

Utah

On January 18, 2007, Representative Paul Ray (R) introduced House Bill 190 to the Utah State Legislature. If passed, this legislation would make S. divinorum a Schedule I controlled substance in that state. The text of the bill only mentions Salvia divinorum. Salvinorin A is not mentioned.

California

On February 5, 2007, Assembly Member Anthony Adams (R) introduced Assembly Bill 259 to the California State Legislature (Adams 2007). If passed, this legislation would make Salvia divinorum a Schedule I controlled substance in that state. On March 12, 2007, the bill was amended to include salvinorin A. The bill was assigned to the California State Committee on Public Safety. On March 27, 2007, it was defeated by committee vote (ayes: 2, nays: 3). But a reconsideration was granted. Click here to view a copy of the letter I wrote opposing this bill (in PDF format). The Bill was amended on January 7, 2008. Instead of placing Salvia divinorum in Schedule I, the amended version would make it a misdemeanor to sell Salvia divinorum or salvinorin A to anyone under 18 years of age. I am in favor of this proposed regulation. A public hearing on the Bill (as amended) is scheduled for January 15, 2008.

Florida

On February 20, 2007, Senator Victor Crist (R) introduced Senate Bill 1718 to the Florida State Legislature. The bill was amended on April 23, 2007, to include wording that would classify salvinorin A as a Schedule I controlled substance in that state. The text of the bill only mentions Salvia divinorum. Salvinorin A is not mentioned. This bill died in committee on May 4, 2007.

Georgia

On March 1, 2007, Senator John Bulloch (R) introduced Senate Bill 295 to the Georgia State Legislature. The wording of this bill is almost identical to that of a bill previously enacted in Tennessee. If passed, this bill would make it a misdemeanor crime to knowingly produce, manufacture, distribute, possess, or possess with intent to produce, manufacture, or distribute the active chemical ingredient in Salvia divinorum. This law would not apply to the possession, planting, cultivation, growing, or harvesting of Salvia divinorum strictly for aesthetic, landscaping, or decorative purposes. Nor would it apply to any dosage form recognized by the FDA as a homeopathic drug.

Texas

On March 2, 2007, Representative Charles "Doc" Anderson (R) introduced House Bill 2347 to the Texas State Legislature. This bill sought to add salvinorin A and Salvia divinorum to Penalty Group 2 of the Texas Controlled Substances Act. Two more salvia-related bills were filed with the State Legislature on March 9, 2007. One of these, House Bill 3784, was introduced by Representative Tan Parker (R). That bill sought to add salvinorin A and Salvia divinorum to Penalty Group 3 of the Texas Controlled Substances Act. The other, Senate Bill 1796, was introduced by Senator Craig Estes (R). It would have made it a crime to sell Salvia divinorum to anyone younger than 18 years of age. The text of the bill only mentions Salvia divinorum. Salvinorin A is not mentioned. The offence would be a Class C misdemeanor. This bill passed in the Senate (ayes: 31, nays: 0) on April 26, 2007. It did not come up for a vote in the House. Ultimately, all three bills died in committee.

Ohio

On May 9, 2007, Representative Thom Collier (R) introduced House Bill 215 to the Ohio State Legislature. If passed, this legislation would make Salvia divinorum a Schedule I controlled substance in that state. The text of the bill only mentions Salvia divinorum. Salvinorin A is not mentioned.

Wisconsin

On August 7, 2007, Representatives Sheldon Wasserman (D), David Cullen (D), John Townsend (R), Mike Sheridan (D), Alvin Ott (R), Jake Hines (R), and Terese Berceau (D) introduced Assembly Bill 477 to the Wisconsin State Legislature. If passed, this bill would prohibit manufacturing, distributing, or delivering the active chemical ingredient in the plant Salvia divinorum (salvinorin A) with the intent that it be consumed by a person. Curiously, the bill makes an exception to this prohibition for salvinorin A that is recognized by the FDA as a homeopathic drug and that may be obtained from a retail store without a prescription. The penalty for violating the prohibition is a fine not to exceed \$10,000.


Alabama

On October 31, 2007, Senator Roger Bedford (D) prefiled Senate Bill 8, which proposes to add S. divinorum to Alabama's list of Schedule I controlled substances. On November 28, 2007, Senator Henry "Hank" Erwin (R) prefiled Senate Bill 15, which proposes to add both S. divinorum and salvinorin A to that state's list of Schedule I controlled substances. Both bills were prefiled for the 2008 Regular Session of the State Legislature. Click here to view a copy of the letter I wrote opposing Senate Bill 8 (in PDF format).

Nebraska

On January 10, 2008, Senators Vickie McDonald (R), Annette Dubas (D), Mike Friend (R), Steve Lathrop (D), Amanda McGill (D), Rich Pahls (R), Pete Pirsch (R), Kent Rogert (R), Arnie Stuthman (R), and Norm Wallman (D) introduced Legislative Bill 840, which proposes to add Salvia divinorum and salvinorin A to Nebraska's list of Schedule I controlled substances. Echoing the absurdly overzealous wording of similar legislation in Illinois, this bill would apply to "all parts of the plant presently classified botanically as Salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, derivative, mixture, or preparation of such plant, its seeds, or its extracts, including salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation." If passed, possession and trafficking of Salvia divinorum (or conceivably any compound isolated from the plant, however innocuous) would be a felony punishable by up to 20 years behind bars.

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